

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Latoria Yvette Spann.

645 Ann Lane.

Cross. SC. 29436

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Vanderbilt Mortgage and Finance.

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. 2:25-cv-00380-BHH-MHC

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

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I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name hOTONIA V Spann.
Street Address 645 Anna Lane.
City and County Cross.
State and Zip Code SC. 29436.
Telephone Number 854-206-6386

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Vanderbilt Mortgage and Finance Inc.
Job or Title _____
(if known) _____
Street Address POBx 9800 500 Alcoa Trail
City and County Maryville Maryville
State and Zip Code TN. 37804 TN. 37804
Telephone Number 865-380-3000

Defendant No. 2

Name _____
Job or Title _____
(if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____

Defendant No. 3

Name _____

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

Defendant No. 4

Name

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Under section 362 (a) all collection activities must cease, immediately upon filing for bankruptcy. Request for TRO Restraining Order preventing any further action regarding repossession until such time as this matter can be fully heard.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Latonia Yvette Spann, is a citizen of the State of (name) South Carolina.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Wonder H. H. Mortgage and Finance Inc., is incorporated under the laws of the State of (name) Tennessee, and has its principal place of business in the State of (name) Tennessee. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Irreparable harm as I will lose my home.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Under 11 USC 362A) an Automatic stay is imposed upon filing Bankruptcy
petition which prohibits any act to obtain possession of property from the estate.
The eviction proceedings initiated by the lender are in violation of this
Automatic stay. Lender did not disclose to common pleas court of Berkeley
County that ~~Bankruptcy~~ ~~was~~ ~~in~~ ~~Chapter 13~~ ~~bankruptcy~~
Lender did not disclose on that Debtor was in Chapter 13, 9-23- and 7 Jan 2024

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Currently in Chapter 7, lender did not go thru legal process ~~to~~
to ~~not~~ execute a new Judgement. ~~not~~ Lender has not
Submitted a balance to defendant. Lender is ~~not~~ ~~proceeding~~ ~~de~~
dean lack of engagement in resolving this matter amicably in
good Faith. under ~~Bank~~ 362(A) Grant of (TRO) serves the public
Interest by ensuring that Individuals in bankruptcy are afforded
their rights under Federal law allowing time for judicial review,
I am asking for punitive damages ⁵ of 180,000.00 for Irreparable Harm.
of loss of my Home without an opportunity to present my case before court.
IT Repossession occur.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Jan 21, 2025.

Signature of Plaintiff

Printed Name of Plaintiff

Latoria Yvette Spann.
Latoria Y Spann.

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address